# Disability Living Allowance (DLA - Adults)

## Introduction

If you have sight loss, or provide care for someone who does, there are a number of welfare benefits you may be entitled to. Some of these benefits can help provide you with an income if you are not able to work, whilst others can help towards the extra costs that often make life more expensive if you have a disability.

We have produced factsheets to help you learn more about the benefits that you are most likely to be entitled to if your life is affected by sight loss.

This factsheet is about Disability Living Allowance (DLA), a **non-means tested** benefit for people of **working age** with a disability. Because it’s non-means tested it doesn’t matter if you are working or how much you earn.

DLA is administered by the Department for Work and Pensions (DWP) and by the Department for Communities (DfC) in Northern Ireland.

**Please note** that Personal Independence Payment (PIP) has **replaced** Disability Living Allowance (DLA) for all **new** claims, **except** in the case where you are reclaiming for the same condition within a year of your previous claim ending **and** you were aged 65 years of age or over on 8 April 2013 (this date is replaced with 20 June 2016 for people living in Northern Ireland).

DLA remains for children (under 16) living in England, Wales or Northern Ireland.

If you live in Scotland, you are no longer able to make a new claim for DLA for your child. DLA has been replaced by Child Disability Payment which is administered by Social Security Scotland. Please see our “Benefits for Children and “Benefits for Children (Scotland)” factsheets.

## In this factsheet we will explain:

* The rules around migrating to PIP
* Reclaiming DLA within a year of the claim ending
* Reporting a relevant change of circumstances which prompts a supersession (change to your benefit entitlement)
* Top tips for completing a DLA form
* What to do if you are not happy with the outcome of your claim.

## DLA and Personal Independence Payment

The Government introduced a new benefit, Personal Independence Payment (PIP), to replace DLA for people of working age. This replaced DLA for **new claims** from 2013 (2016 in Northern Ireland).

Most adult claimants of DLA continue to be reassessed for PIP, a process that commenced in 2013 and is still ongoing. There is no option to remain on DLA. When considering if you will be migrated to PIP, you will need to think about how old you were on 8 April 2013 (20 June 2016 in Northern Ireland). This date is a **‘red line’** and determines the different benefit routes you will take.

### For people aged less than 65 years on 8 April 2013 (20 June 2016 if living in Northern Ireland):

If you are aged less than 65 years on 8 April 2013 (20 June 2016 in Northern Ireland),youwill be reassessed for PIP, even if you are over state pension age. You can still receive any rate of either element of PIP at this stage. Please see our “PIP” factsheet for further information about this benefit.

If you were aged less than 65 years on 8 April 2013 (20 June 2016 in Northern Ireland) then you can still migrate to PIP from DLA through three different ways after reaching State Pension age:

1. Reporting a relevant change in circumstances because your needs have changed (natural migration)
2. Managed migration (when the DWP contacts you and advises that your claim for DLA will end and you **must** claim PIP)
3. Voluntary migration (when you choose to claim PIP to replace your DLA claim).

In respect of all the above circumstances, we suggest seeking advice from an organisation such as RNIB, but particularly if you are thinking of reporting a change of circumstances or claiming PIP to replace your DLA claim voluntarily. Once you have started the process of claiming PIP, you may not be able to reverse it and choose to remain on DLA.

There is **no automatic transfer from DLA to** **PIP**, so you will have to make a claim for PIP if you wish to continue receiving a disability benefit. If they have not already, the DWP will, at some point, send you a letter as an existing DLA claimant inviting you to make a claim for PIP.

As part of this “migration process, the DWP will send you a letter explaining that your DLA is due to end and inviting you to claim PIP. You will have four weeks to claim, and you must normally start this process by phone. This is the initial claim which asks for your personal information, such as name, address and preferred format of communication.

The process is then as follows:

1. If you do not claim within four weeks, the DWP will suspend your DLA and send you a letter explaining that the suspension will be lifted if you make a claim for PIP within the next four weeks. If you still do not start a claim for PIP within that time the DWP will stop your DLA.
2. If you make the initial claim (as above), the DWP will send you the PIP2 form asking about your disability. If you do not return this form, within the timeframe given, the DWP will reject your claim.
3. Once the DWP receive your completed form they will send it to an independent assessor who will determine whether further evidence is needed and if so, you will be asked to attend a consultation. This may be a face to face consultation but can also be carried out by telephone or video link.
4. If you are asked to take partin a consultation it is very **important that you attend**. If you do not attend, and do not have a good reason, this could result in your claim being rejected. For more information about what to expect at your assessment, please see our “PIP Assessment Top Tips” factsheet.
5. The final decision on your entitlement is made by a decision maker at the DWP, using the evidence from the assessor, including any information arising from the consultation. If your claim for PIP is successful, your previous award of DLA will cease, and your award of PIP will begin the following day.

### For people aged 65 years of age or over on 8 April 2013 (20 June 2016 in Northern Ireland) and your claim for DLA is reviewed:

Anyone aged 65 years or over on 8 April 2013 (20 June 2016 in Northern Ireland) will continue to receive DLA and will not be assessed for PIP. You will stay on DLA if your entitlement is re-assessed after state pension age. You will not be migrated to PIP and you will not start receiving AA instead, although the rules start to replicate those for AA. The remainder of this factsheet is particularly relevant for DLA claimants within this group.

If you wish to report a relevant change of circumstances because your needs have changed, then you can telephone the DLA helpline on **0800 7310 122** and ask for a DLA review claim pack. This is the number for queries on Attendance Allowance also. If your claim is successful, it will start from the date of your phone call, as long as you return the form within six weeks and you have had the condition and been impacted by it for six months. The form is available in large print if you ask for it.

If you need help completing the pack, call the DLA Helpline on the number above and ask for the form completion service or home visiting service. The Department for Work and Pensions (DWP), who administer DLA, can provide transcripts of your answers to the questions on the claim form in large print or braille.

#### What can and can’t change to your DLA award after reaching State Pension age:

If you were aged 65 years or over on 8 April 2013 (20 June 2016 in Northern Ireland) and your claim for DLA ended less than a year ago, you can reclaim DLA and do not have to claim AA, provided your claim is still for the same condition or a deterioration/relapse to that condition.

If you were aged under 65 years of age on 8 April 2013 (20 June 2016 in Northern Ireland) and your claim for DLA ended less than a year ago, you can claim PIP, provided your claim is still for the same condition or a deterioration/relapse to that condition.

In either of these scenarios, if more than a year has passed and you are over state pension age, irrespective of how old you were on 8 April 2013 (20 June 2016 in Northern Ireland), you will have to claim Attendance Allowance (visit our website or contact our Helpline for a copy of our Attendance Allowance - how to make an effective claim factsheet).

### The following rules apply for reclaiming DLA within a year, renewing an existing award with a fixed end date, reviews from the DWP or if you report a relevant change of circumstances after State Pension age:

* If the rate of award is the same, no qualifying period applies
* If the rate of award has increased, a six-month qualifying period applies (this means you need to have been impacted for a minimum of six months).

#### Care Component rules:

* You can maintain the lowest rate of the care component if you were already receiving it before State Pension age.
* You can’t “drop” from either the middle or the highest rate of the care component to the lowest rate after State Pension age. You will lose the care component entirely, unless the DWP is satisfied that you were entitled to the lowest rate of the care component before State Pension age and a higher rate was given in error.
* You can have the care component rate increased from the middle rate to the highest rate. Similarly, you can have the care component decreased from the highest to the middle rate.
* If you are only in receipt of the mobility component, you can make a claim for the care component after State Pension age as long as you meet the threshold for the middle rate as a minimum, or you can evidence you met the threshold for the lowest rate before reaching State Pension age.

#### Mobility Component rules:

* Once you have reached State Pension age, you can’t move up or down a rate of the mobility component, unless you can show you met the qualifying conditions before you reached this age.
* Similarly, if you only have the care component, you can’t apply or be awarded the mobility component, unless you can show you met the conditions before you reached State Pension age.

## Completing DLA review claim forms – general tips

#### Take your time

It can take two hours and sometimes much longer to complete a DLA review claim pack. Take time to think carefully about the answers to the questions. You do not have to complete the whole pack in one sitting.

#### **Give full and detailed answers throughout the claim pack**

DWP decide most claims solely based on the information given in the claim pack. It is **very important** to give a detailed explanation of the difficulties that you have and the help you need.

If you are registered blind or partially sighted, do not assume that this fact speaks for itself. Explain precisely **why** you need help with seeing when doing each activity and what sort of help you need.

#### **Do not underestimate your needs**

Most people find that a positive attitude is helpful. However, just on this occasion, try hard to think of all the things that you cannot do or have difficulty with and would benefit from help or supervision from another person.

Think about a typical day or week in your life and consider all the times when you may have difficulty or need extra help. It can be very helpful for you or someone close to you, to make a list of all the things that you need help with over a few days. Even if you only need assistance for a few moments each time, the different types of help do add up.

You may have developed specific ways of coping with certain activities. However, if an activity takes you much longer than it would take a sighted person, or if it is difficult for you to do it safely, DWP can take that into account.

#### **It is the amount of help that you need that matters, not the amount of help that you actually get**

If you are struggling to do things unaided despite difficulties or pain, explain this on the form. If you lead a restricted lifestyle because you do not get all the help you need, DWP should take this into account.

#### Housework and shopping

If you need someone else to carry out domestic tasks for you – such as shopping or cleaning – DWP **cannot** normally take this into account as personal care. This is because these tasks can be done when you are not there.

#### **If you use special equipment, explain its limitations**

Special equipment can be useful but often it does not fully solve the problem – you may still need some help from another person. For example, if you are partially sighted, you may be able to read using a magnifying glass, but still need help from another person to read long texts, small print, handwriting and writing that you cannot get up close to.

#### Mention any special circumstances

Be sure to explain the effects of other health problems and how they interact with each other.

* Has your sight or your health got worse recently?
* Have you had a bereavement or moved to a new home?
* Do you have pets, or children who leave toys on the floor?

This could increase your need for help or supervision, so give details on the form. Mention if your sight loss has been sudden, or you have found it hard to adapt.

### Completing the DLA claim form – checklist

The following are examples of the kind of things to think about when filling in the claim form. If any of the things mentioned below apply to you, you should mention this on your form.

Use this checklist as a guide but remember to give plenty of information in your own words about your personal circumstances.

#### Washing, bathing and looking after your appearance

Do you need help:

* to adjust shower controls?
* to find and identify different bottles and items in the bathroom?
* to get into or out of your bath or shower?
* to check that your face and hands are clean?
* shaving or putting on make-up?
* washing, rinsing, drying or styling your hair?
* putting toothpaste on the brush?
* cutting your nails?

Do you need someone to act as a mirror several times a day to tell you whether your:

* clothes are clean and tidy?
* hair and general appearance are presentable?

#### Help with your toilet needs

Do you need:

* someone to guide you so you can get to the toilet safely, especially in unfamiliar places?
* help to adjust or check your clothing after using the toilet?
* help to find the toilet and the wash basin in unfamiliar places?
* help to use the toilet during the night?

#### Getting dressed or undressed

Do you need:

* someone to help you find and choose clean, colour-coordinated clothes, that are appropriate for the weather?
* help with fastenings including shoelaces and buttons?
* someone to tell you if a piece of clothing is on inside out or you are wearing odd socks?

#### Mealtimes

Do you need someone to:

* help you put the food on your plate?
* describe the food on your plate and tell you where each item is?
* cut up certain foods and to remove bones?
* tell you if there is any food left on your plate?
* help you to find other items on the table? For example, cutlery, condiments
* tell you if you have spilt food on the table or on your plate?
* help you to read menus or select food in restaurants?

#### Help with medical treatment

Do you need help to:

* identify and sort out your tablets?
* measure and pour liquid medicine?
* read instructions about taking medication?
* take eye drops?
* find dropped or spilt medication?
* manage diabetes? For example, testing blood sugar, urine, monitoring and recording results or having insulin injections
* change the batteries in your hearing aid(s)?

#### Do you need help to get around indoors?

Do you need help to:

* move around in your own or other people’s homes, and other places such as shops, hospitals, public buildings or restaurants?
* get up or downstairs safely?
* avoid bumping into furniture, doors, doorframes or other obstacles?
* deal with callers to the house, checking ID, signing receipts?
* cope with changes in the environment such as moving from sunlight outdoors to a dimly lit theatre hall?

#### Do you need help to get around outdoors?

Include details of the help you need with any journeys you make, for example, to get out for social and leisure activities or to get out for exercise. Try to give a daily average of the amount of time you need help outdoors.

Do you need help:

* to get to particular places in unfamiliar areas?
* to check road signs or to read street names?
* to avoid getting lost or getting into danger in unfamiliar areas?
* to avoid obstacles such as lampposts, potholes or other pedestrians?
* to cope with kerbs and steps?
* to cross roads safely?
* do you need extra help at night, in poor light or in bright lights?

#### Public transport

Do you need help to:

* read bus numbers, timetables, identify train platforms or bus stops?
* handle money to pay your fare?
* get onto the bus or train and find an empty seat?
* find a taxi rank, get into a taxi or pay the driver?

#### Accidents, falls and stumbles

Describe any accidents or falls you can remember. Try to remember where you fell and the help that you needed afterwards. For example, did you need someone to check if you have marked or damaged your clothes, did you need someone to apply first aid or to check you haven’t dropped any items you had been carrying? Mention if you stumble on obstacles and hazards indoors or outdoors, such as stairs or uneven paving.

#### Reading

Do you need help with:

* reading and replying to your personal mail?
* signing cheques, letters or forms?
* reading things at home such as labels on food, instructions for household items or labels on medication?
* reading newspapers and magazines?
* reading in connection with your studies or hobbies such as needing someone to read the TV listings to you?

#### Other help

Do you need help with:

* locating things that you have dropped?
* finding items around the home?
* locating items in shops, reading price tags, or labels for size?
* reading receipts in shops?

#### Social or leisure activities

You can write about activities that you would like to be able to do, even if you cannot do them because you do not get the help you need.

**Examples of activities:**

* visiting friends and family
* going out because it makes you feel better, for exercise, or for fresh air (if you would like to go out every day, say so on the form)
* gardening
* playing bingo or other games
* going to pubs, restaurants or theatres
* watching television and needing someone to describe or explain what is happening during a programme or film
* listening to music, identifying CDs or DVDs
* sports, keep fit, jogging, swimming
* going to a place of worship and following the service.

Do you need any of the following types of help, or would you need any of the following types of help, to carry out the above activities?

* accessing various modes of transportation, i.e. buses, trains
* guidance when walking in unfamiliar places
* help to locate and use tools or items that you need to follow a hobby
* help to read notices, instructions and other information
* help with handling money, buying tickets, drinks and so on
* having your surroundings described to you and being told who else is there
* help to recognise friends, other people and who is talking in a group.

## Evidence that you can send with your claim form to support your DLA claim

As the decision about your entitlement will be based predominantly on the claim form, we recommend that you supply as much supporting evidence as possible. For example, you could include:

* a pre-printed prescription for medication you are taking or you could write out a list of the medication you take
* a supporting letter from a health care professional or other professional who is helping you, such as a social worker or rehab worker
* a care diary, this can provide a compelling picture of your needs
* evidence of your conditions such as a certificate of vision impairment.

### Writing a care diary

We suggest you create a diary of all the times over a week you need help or when you have difficulty doing a task because of your sight loss, other health conditions and disabilities.

You could record your diary on audio format if that is easier than making written notes, or you could ask your carer, a relative or friend to help you write the diary.

Remember to make a note every time you need help or need an aid or appliance during the day, both indoors and outdoors. It does not matter what you are doing – you might be out shopping and need help to read street names, visiting friends or family and need help to check bus timetables, or preparing a meal. If you need help to do any of these things due to your sight loss or other disability, or the examples listed below, it **can** count for DLA, even if you do not always get the help you require.

## If you are unhappy with the decision do not give up

Sometimes the DWP makes the wrong decision, even if you have completed your claim pack well.

You can ask the DWP/DfC to look at their decision again if you are unhappy with it and wish to dispute it. This is called a “**mandatory reconsideration**”. This must normally be requested by you within **one month** of the initial decision (although a late reconsideration may be accepted – seek advice if required). You should send the DWP any additional evidence you have to help your case, such as a supporting letter from a medical professional or a support worker.

After the DWP/DfC has reconsidered their original decision,you will be notified. If you are still unhappy with the outcome and wish to dispute it, you can lodge an appeal with HM Courts and Tribunals Service. Normally appeals must be lodged within one month of the decision following the mandatory reconsideration. For further information on the appeals process, please see our “Benefits appeals” factsheet.

**Please** **note** that if you wish to challenge the level of award given, then that award can be removed or reduced, either at the reconsideration or appeal stage. Please seek advice if this applies to you.

## Passporting to other benefits

Being able to receive one type of benefit often means that it will be easier for you to receive other benefits or concessions. This is called “passporting”.

An award of DLA may lead to the inclusion of certain disability “premiums” in the calculation of pension credit and housing benefit. It can also enable someone to claim Carer’s Allowance for looking after you (if you are awarded the middle rate of the care component or above) but this can impact on those premiums, so it is worth seeking advice in this instance.

**Please note** that unfortunately the premiums payable in means-tested benefits are not available within Universal Credit.

## Contacting the DLA enquiry line

If you have any questions about your DLA claim, you can call the DWP’s Disability Service Centre on **0800 7310 122**. If you live in Northern Ireland, you can call the Disability and Carer’s Service on **0800 587 0912**.

## How we can help

If you would like more information about Disability Living Allowance, you can speak to our Advice Service by calling our Helpline. Our advisors can also carry out a full benefit check with you and give you advice about applying for other benefits you may be missing out on.

Our Welfare Benefit Sight Loss Advisers are available to offer you help if you would like to challenge a benefit decision or think you should be awarded more than you have been. Our advisers can help you with the mandatory reconsideration and First-Tier Tribunal (appeals) process.

RNIB’s Legal Rights service is available to offer you help with more complex benefit queries and appeals, such as those to the Upper Tribunal, once the initial appeals process to the First-Tier Tribunal has been completed.

### RNIB Helpline

If you need someone who understands sight loss, call our Helpline on **0303 123 9999**, say **“Alexa, call RNIB Helpline”** to an Alexa-enabled device, or email **helpline@rnib.org.uk**. Our opening hours are weekdays from 8am – 8pm and Saturdays from 9am – 1pm.

### Sight Advice FAQ

Sight Advice FAQ answers questions about living with sight loss, eye health or being newly diagnosed with a sight condition. It is produced by RNIB in partnership with other sight loss organisations. **sightadvicefaq.org.uk**

### Connect with others

Meet or connect with others who are blind or partially sighted online, by phone or in your community to share interests, experiences and support for each other. From book clubs and social groups to sport and volunteering, our friendly, helpful and knowledgeable team can link you up with opportunities to suit you. Visit **rnib.org.uk/connect** or call **0303 123 9999**.

The factsheet gives general guidance only and is not an authoritative statement of the law.



**RNIB Legal Rights service**

April 2024

End of document.